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November 17, 2009

## VIA ELECTRONIC FILING

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Office of Proceedings

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Public Record

Ms. Anne K. Quinlan  
Acting Secretary  
Surface Transportation Board  
395 E Street, S.W.  
Washington, DC 20423-0001

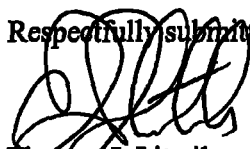
Re: **Finance Docket No. 35301**  
**Wisconsin Department of Transportation -- Petition for**  
**Declaratory Order -- Rail Lines in Janesville, Rock County, WI**

Dear Secretary Quinlan:

On October 28, 2009, Wisconsin Department of Transportation ("WisDOT") filed a petition for declaratory order regarding WisDOT's proposed purchase of rail lines in Janesville, Wisconsin from Wisconsin & Southern Railroad Company ("WSOR"). WisDOT filed a supplement to its petition on November 13, 2009. WisDOT seeks a determination pursuant to Maine DOT -- Acq. Exempt. -- Maine Central R. Co., 8 I.C.C.2d 835 (1991) and its progeny that WisDOT's acquisition of the WSOR lines is not subject to the Board's regulatory authority.

Dakota, Minnesota & Eastern Railroad Corporation ("DM&E") is a trackage rights tenant on the subject rail lines, and has an interest in this proceeding. DM&E was not served with the initial WisDOT petition or the recent supplement, and is currently reviewing those pleadings. DM&E will reply to the WisDOT petition as supplemented by November 25, 2009.

Respectfully submitted,



Thomas J. Litwiler  
Attorney for Dakota, Minnesota & Eastern  
Railroad Corporation

TJL:tl

cc: Parties of Record